

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

REENA SHEELA CUNNINGHAM,

X

DATE FILED: 8/8/08

Plaintiff

07 Civ. 6870 (GEL)

-against-

**ORDER**

SEAN McCLUSKEY, et al.,

Defendants

X

GERARD E. LYNCH, District Judge:

The Court has received a number of letters from the parties to this case. An undated letter from the plaintiff *pro se* complains about actions taken by her attorney, Gary S. Fish, and seeks to compel defendants to produce certain documents. A letter from Mr. Fish, dated August 5, 2008, asks leave to withdraw as counsel, on the ground that plaintiff's husband is interfering in his representation of the plaintiff. A letter submitted on behalf of the defendants, also dated August 5, 2008, states that the case has "recently" been assigned to a new Assistant United States Attorney, who seeks a further extension of the discovery deadline and a stay of discovery pending resolution of the issues regarding plaintiff's representation.

This case has been pending for a full year. Discovery was scheduled to be completed by June 16, 2008. On June 10, 2008, the Court received a letter from plaintiff seeking an extension of the discovery deadline. Although the letter referenced a death in plaintiff's family as the reason for the extension, it was evident from the letter that the real reason an extension was necessary was that very little had been accomplished in over six months of discovery. Accordingly, while the Court granted the extension, it made clear that further requests for extensions would be disfavored. It is apparent from the present correspondence that little if any further progress has been made in the extended discovery period. Rather than make efforts to bring the discovery to fruition, the Government cavalierly reassigned the case to an attorney who evidently has too much else on his plate to handle this case by the deadline, and the plaintiff and her attorney have spent the time quarreling.

Since the parties are scheduled for a post-discovery conference next week in any event, these matters can be sorted out at that time. Should any further extensions of discovery be granted, the parties can be sure that any such extension will be brief and will be the absolute final extension.

Accordingly, it is hereby ORDERED:

1. Plaintiff's purported motion to compel discovery is not properly before this Court. So long as plaintiff is represented by counsel, motions, litigation documents and requests for relief are to be filed by counsel.
2. The parties, including Ms. Cunningham herself, shall appear before the Court for a hearing on Friday, August 15, 2008, at 11:00 a.m., to consider Mr. Fish's motion to withdraw as plaintiff's counsel. At that time, the Court will ask whether Ms. Cunningham consents to or opposes that application, and whether (should the motion be granted, on consent or otherwise) she anticipates retaining new counsel or proceeding pro se. Ms. Cunningham may respond in writing to the motion at any time before August 15, but is not required to do so.
3. Plaintiff's counsel is to serve a copy of this Order on Ms. Cunningham by Monday, August 11, 2008.
4. Defendants' application for a stay is denied. Although it is doubtful, in light of the situation of both attorneys, whether anything can be accomplished in the case between now and August 15, the Court is unwilling to *prohibit* the parties from proceeding with any activity that might advance the case.

SO ORDERED.

Dated: New York, New York  
August 7, 2008

  
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GERARD E. LYNCH  
United States District Judge